AO 442 (REV. 12/85)

FILED

FEB 21 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY CLERK

United States District Court

WESTERN DISTRICT OF TEXAS , DEL RIO DIVISION

UNITED STATES OF AMERICA
V.

Jon Moises FALCON (26)

David MARTINEZ plead 2-25-08 (41)

CRIMINAL COMPLAINT

CASE NUMBER: DR 08 - 2168M-01, 02

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **February 18, 2008** in **Val Verde** county, in the **Western** District of **Texas** defendant(s) did, (track statutory language of offense)

Knowing that an alien, namely J Dolores GUTIERREZ-Rios, was then in the United States in violation of law, an offense had been committed against the United States, did receive and assist the offender in order to hinder and prevent his apprehension, a misdemeanor

in violation of Title **8** United States Code, Section(s) **1325 API 18 USC 3**

I further state that I am a(n) **Senior Patrol Agent** and that this complaint is based on the following

facts: On February 18, 2008, the DEFENDANTS were arrested near Uvalde, Texas transporting 2 aliens to Uvalde, Texas in a 1989 Mazda 626 LX, bearing Texas License Plates 031-PBM. DEFENDANTS "JON MOISES FALCON and DAVID MARTINEZ, admitted to Border Patrol Agents that they knew the two male subjects they picked up North of Crystal City, Texas were undocumented aliens illegally in the United States and that it was illegal to transport them. MATERIAL WITNESSESS "J CRUZ VELASQUEZ VARGAS and J DOLORES GUTIERREZ RIOS will testify that the DEFENDANTS agree to pick them up and take them to Uvalde, Texas. MATERIAL WITNESSESS will testify that JON MOISES FALCON was the driver of the vehicle and DAVID MARTINEZ was the front passenger of the vehicle.

Continued on the attached sheet and made a part hereof: ☐ Yes ☒ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

February 21, 2008 at Del Rio, Texas

Date City and State

Victor Roberto Garcia
U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AO 245 H (Rev. 07/04)(W.D.TX.) - Judgment in a Criminal Case for a Petty Offense (Short Form)

UNITED STATES DISTRICT COURT
Western District of Texas
DEL RIO DIVISION

FILED

FEB 28 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ________
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

DAVID MARTINEZ

Defendant.

Case Number DR08-2168M-02

JUDGMENT IN A CRIMINAL CASE
(For a Petty Offense) - Short Form

The defendant, DAVID MARTINEZ, was represented by counsel, ALFRED SUMPTER.

The defendant pled guilty to the complaint on FEBRUARY 25, 2008. Accordingly, the defendant is adjudged guilty of the following offense(s):

Title & Section	Nature of Offense	Date of Offense
8 USC 1325 18 USC 3	RECEIVE AND ASSIST THE OFFENDER	FEBRUARY 18, 2008

As pronounced on FEBRUARY 25, 2008, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of 30 days with credit for time served. **The sentence is to run concurrent with DR08-2167M-02.** The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because reasonable efforts to collect this assessment are not likely to be effective.

The fine is waived because of the defendant's inability to pay.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 29th day of February, 2008.

VICTOR ROBERTO GARCIA
United States Magistrate Judge

Arresting Agency: DRBP
USCIS #: 05877280